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CONSULTANTS

PROCESSING PROCEDURES

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1. PROCESSING PROCEDURES

This handbook sets forth the procedures for processing consultants and supplements the policy prescribed in HR [redacted]

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a. INITIATION AND APPROVAL OF REQUESTS TO USE CONSULTANTS

(1) The requesting official, having obtained the necessary prior approvals and contact clearances prescribed in HR [redacted] will forward a copy of Executive Order 11222, "Prescribing Standards of Ethical Conduct for Government Officers and Employees," and extracts of the applicable provisions of Title 18, U.S.C., covering conflicts of interest to the prospective consultant and obtain a certification from the individual that they have been read. In addition, the requesting official will obtain a completed Form 444, Personal History Statement; six copies of Form 3297, Authorization to Release Information; and a Form 2553, Statement of Employment and Financial Interests (SEFI). The requesting official will review the contents of the SEFI to avoid the subsequent use of the consultant in any areas that might create a conflict-of-interest situation. The using official will complete Form 2552, Certification of Using Official.

(2) The requesting official will forward a memorandum of justification addressed to the Director of Central Intelligence with the above completed forms attached, through the Deputy Director or Head of Independent Office concerned, to the Director of Personnel. The memorandum of justification should contain the following information:

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*In cases involving a request for engagement of a consultant by an Independent Office at the DCI area, these should be forwarded by the Head of the Independent Office through the Ao/DCI to the Director of Personnel.

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- (a) A statement of contemplated duties and responsibilities and frequency of use.
- (b) An explanation as to why other personnel resources of the component, including any consultants, cannot be used.
- (c) A statement as to whether the consultant will serve with or without compensation; and if compensation is to be paid, ^{the recommended rate of pay and} the method of payment (e.g., per day, per consultation).
*
(3) The Director of Personnel will forward the memorandum of justification and the completed forms with a recommendation through the Deputy Director for Administration to the General Counsel for review as to possible conflicts of interest.
(4) If the General Counsel determines there is no conflict of interest in the use of the consultant, the concurrence will be shown on the memorandum of justification and on Form 2552, Certification of Using Official. The memorandum and attachments will be forwarded by the General Counsel to the Director of Central Intelligence for approval to engage the consultant, contingent upon the granting of a security clearance which will be processed in accordance with HR [redacted]
- (5) If the General Counsel determines that the proposed use of the consultant could create a conflict-of-interest situation, the General Counsel will so advise the requesting official, through the Deputy Director or Head of Independent Office concerned, and the Director of Personnel.

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* The contract year compensation paid to a consultant
who is a federal civilian consultant will be governed
by HR [redacted]

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b. FINAL PROCESSING OF REQUESTS

- (1) The Office of Personnel will notify the requesting official when the individual has been granted a security approval.
- (2) The requesting official will notify the Office of Personnel in advance of the date the consultant will report for duty in Washington, D. C.
- (3) The Office of Personnel will make arrangements with the Office of Security for the consultant to be photographed, fingerprinted, and to receive the required security briefing. The Office of Security may waive the fingerprinting requirement for an individual who is associated with another Federal agency.
- (4) The Office of Personnel will prepare the consultant contract which will be valid for a period not to exceed the end of the fiscal year.

c. PROCESSING CONTINUATIONS OF PERIOD OF SERVICE

- (1) When the need for a consultant's service continues into the following fiscal year, the using official will forward during the month of July a Form 503, Justification for Consultant, through the Deputy Director or Head of Independent Office concerned to the Director of Personnel.* Form 503 may be obtained from the Office of Personnel.
- (2) The Director of Personnel will obtain approval of the Director of Central Intelligence.

* In cases involving the Independent Offices of the DCI area, the form will be forwarded through the Head of the Independent Office concerned and the AODCI to the Director of Personnel.

(3) Thereafter, the Office of Personnel will forward a contract to the consultant for signature. The consultant also will complete a new Form 2553, Statement of Employment and Financial Interests. The Office of Personnel will forward completed Form 2553 and a Form 2552, Certification of Using Official, to the using official to complete. Completed Forms 2552 and 2553 will then be forwarded together with Form 503, Justification for Consultant, to the General Counsel for review as to possible conflicts of interest. If the General Counsel agrees to the use of the consultant, concurrence will be indicated on Form 2552. Forms 2552, 2553, and 503 will be retained in the individual's consultant file in the Office of Personnel.

(4) The provisions of paragraph 1a(5) are also applicable in processing continuations of service.

(5) After legal concurrence has been obtained, the Special Contracting Officer will execute the contract and inform the office concerned.

d. PROCESSING CHANGES IN USE

(1) If the use of a consultant changes substantially from the use on which the most recent approval was based or if a consultant is used in connection with a different subject matter or project from that contained in the most recent approval, the using official will submit a new Form 503, Justification for Consultant, and a current Statement of Employment and Financial Interests to the Director of Personnel.

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- (2) The Director of Personnel will forward the Form 503 with the SEFI to the General Counsel for review as to possible conflict of interest in relation to the changed use of the consultant.
- (3) Upon concurrence by the General Counsel, the Director of Personnel will inform the using official.
- (4) If the General Counsel does not concur, the General Counsel will so advise the using official or, if appropriate, refer the matter to the Director of Central Intelligence. The using official will be advised of the Director's decision.

e. PROCESSING OF CHANGES IN RATE OF COMPENSATION

To change the rate of a consultant's compensation, including conversion from ~~WOC~~ basis to compensation status, or vice versa, the using official will submit a memorandum ^{without compensation} ~~explaining the desired change~~ to the Director of Personnel. * The approval of the Director of Central Intelligence is not required for such changes, and, therefore, a memorandum of justification is unnecessary. After approval by the Director of Personnel, a contract amendment will be prepared reflecting the change.

2. TAXES AND WITHHOLDINGS

The Agency will make no deductions or withholdings for income tax. Each consultant receiving compensation will be issued an IRS Form 1099 by the Office of Finance on a calendar year basis or upon termination of the contract. It is the responsibility of the consultant to satisfy Federal, state, and self-employment tax liabilities.

* Request for change in the rate of compensation paid a consultant of an Independent Office of the DCI area should be forwarded to the

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3. TRAVEL AND PER DIEM

Consultants are entitled to payment or reimbursement for travel expenses when traveling between their homes or places of business and Washington, D. C., or other place of duty; and to per diem in lieu of subsistence, including Saturdays, Sundays, and holidays, when away from their residences or places of business of official duty for the Agency. Travel and accountings will be in conformance with Agency regulations.

4. BENEFITS

Consultants are entitled only to the benefits specified in their contracts.

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